

AMENDED IN ASSEMBLY APRIL 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 462**

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**Introduced by Assembly Member Stone**

February 19, 2013

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An act to add Section 13113.11 to the Health and Safety Code, relating to fire protection.

LEGISLATIVE COUNSEL’S DIGEST

AB 462, as amended, Stone. Fire protection: residential care facilities ~~for the elderly. facilities.~~

Existing law establishes the State Fire Marshal within the Department of Forestry and Fire Protection and sets forth its duties, including, but not limited to, administering provisions relating to inspection and approval of fire protection measures for health and community care facilities.

Existing law, with certain exceptions, prohibits a person, firm, or corporation from establishing, maintaining, or operating any hospital or other specified care facility for more than 6 guests or patients, and prohibits the operation of a residential care facility for the elderly housing ~~non-ambulatory~~ *nonambulatory* persons that is licensed to care for more than 6 persons, unless it has, among other things, an automatic fire sprinkler or extinguishing system approved by the State Fire Marshal. Existing law generally places responsibility for enforcing State Fire Marshal building standards upon prescribed local agencies and provides for the assessment of related inspection fees. ~~Violation A violation~~ of provisions related to fire protection requirements is a crime.

This bill would require a residential care facility for the elderly or adult residential facility, as defined, that has a valid license as of January

1, 2014, to have installed and maintained on and after January 1, ~~2016~~ 2018, an operable automatic fire sprinkler system approved by the State Fire Marshal. The bill would require a residential care facility, *defined to include these facilities*, for which a license is newly issued on or after January 1, ~~2016~~ 2017, to have an approved, operable automatic fire sprinkler system. The bill would also provide that if the facility does not own the property the ~~landlord~~ *property owner* shall determine all phases of construction, and the facility *licensee* shall pay all costs ~~including permit fees, cost of design and construction, and tenant relocation costs associated with compliance with these provisions~~. The bill would limit specified inspection fees related to the sprinkler systems. The bill would require, by January 1, ~~2015~~ 2016, the State Fire Marshal to adopt regulations to implement the above provisions. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known as the Residential Care  
2 Facility Fire Safety Act of 2013.  
3 SEC. 2. Section 13113.11 is added to the Health and Safety  
4 Code, immediately following Section 13113.09, to read:  
5 13113.11. (a) As used in this section, “residential care facility”  
6 means a residential care facility for the elderly, as defined in  
7 Section 1569.2, or an adult residential facility, as defined in Section  
8 80001(a)(5) of Title 22 of the California Code of Regulations, that  
9 is licensed to care for not more than six residents.  
10 (b) Every residential care facility for the elderly and adult  
11 residential facility that has a valid license as of January 1, 2014,  
12 shall have installed and maintained on and after January 1, ~~2016~~  
13 2018, an operable automatic fire sprinkler system approved by the  
14 State Fire Marshal that meets *the* nationally recognized ~~standards~~  
15 ~~for the installation of sprinkler systems in one- and two-family~~

~~1 dwellings and manufactured homes, standard, pursuant to~~  
~~2 “National Fire Protection Association 13D: Standard for the~~  
~~3 Installation of Sprinkler Systems in One and Two-Family Dwellings~~  
~~4 and Manufactured Homes,” as approved by the State Fire Marshal~~  
~~5 and adopted as a building standard by the California Building~~  
~~6 Standards Commission. The State Fire Marshal shall approve the~~  
~~7 standard establish and approve, by December 31, 2014, the design~~  
~~8 criteria for automatic fire sprinkler systems to be installed in~~  
~~9 existing residential care facilities, which shall be consistent with~~  
~~10 the requirements pursuant to the California Building Standards~~  
~~11 Code (Section R-313 of Title 24 of Part 2.5 of the California Code~~  
~~12 of Regulations). The State Fire Marshal, working in conjunction~~  
~~13 with the Department of Housing and Community Development,~~  
~~14 shall establish and approve by December 31, 2014, the design~~  
~~15 criteria for automatic fire sprinkler systems to be installed in~~  
~~16 existing residential care facilities that use a manufactured home~~  
~~17 as the facility, which shall be consistent with the requirements~~  
~~18 pursuant to Article 2.5 (commencing with Section 4300) of~~  
~~19 Subchapter (2) of Chapter (3) of Division (1) of Title 25 of the~~  
~~20 California Code of Regulations. Notwithstanding Section 13143.5,~~  
~~21 a local jurisdiction shall not require a sprinkler system that exceeds~~  
~~22 this standard by amending the standard or applying standards other~~  
~~23 than the standard approved by the State Fire Marshal.~~

(c) Every residential care facility for which a license is newly  
 issued after January 1, ~~2016~~ 2017, shall have installed and  
 maintained an operable automatic fire sprinkler system approved  
 by the State Fire Marshal that meets the nationally recognized  
 standard, pursuant to “National Fire Protection Association 13D:  
 Standard for the Installation of Sprinkler Systems in One and  
 Two-Family Dwellings and Manufactured Homes,” approved by  
 the State Fire Marshal and adopted as a building standard by the  
 California Building Standards Commission ~~for the installation of~~  
~~33 sprinkler systems in one and two-family dwellings and~~  
~~34 manufactured homes. The State Fire Marshal shall approve the~~  
~~35 standard by December 31, 2014 establish and approve by~~  
~~36 December 1, 2014, the design criteria for automatic fire sprinkler~~  
~~37 systems to be installed in new residential care facilities, which~~  
~~38 shall be consistent with the requirements pursuant to the California~~  
~~39 Building Standards Code (Section R-313 of Title 24 of Part 2.5 of~~  
~~40 the California Code of Regulations). The State Fire Marshal,~~

1 *working in conjunction with the Department of Housing and*  
2 *Community Development, shall establish and approve by December*  
3 *31, 2014, the design criteria for automatic fire sprinkler systems*  
4 *to be installed in new residential care facilities that use a*  
5 *manufactured home as the facility, which shall be consistent with*  
6 *the requirements pursuant to Article 2.5 (commencing with Section*  
7 *4300) of Subchapter (2) of Chapter 3 of Division 1 of Title 25 of*  
8 *the California Code of Regulations. Notwithstanding Section*  
9 *13143.5, a local jurisdiction shall not require a sprinkler system*  
10 *that exceeds this standard by amending the standard or applying*  
11 *standards other than the standards approved by the State Fire*  
12 *Marshal.*

13 (d) For purposes of complying with subdivisions (b) and (c),  
14 the following shall apply:

15 (1) ~~A landlord property owner or his or her the property owner's~~  
16 ~~agent shall determine all phases of construction, including selection~~  
17 ~~of a contractor, improvements, and design.~~

18 (2) At least one year prior to complying with this section, the  
19 residential care facility licensee shall pay the ~~landlord property~~  
20 ~~owner or his or her the property owner's~~ agent all costs associated  
21 with compliance with this section, ~~including permit fees, cost of~~  
22 ~~design and construction, and tenant relocation costs.~~

23 (e) By January 1, ~~2015~~ 2016, the State Fire Marshal shall adopt  
24 regulations to implement this section. These regulations shall  
25 address those fire safety features no longer required of a licensee  
26 after an operable automatic fire sprinkler system is installed and  
27 maintained. The State Fire Marshal shall ensure that any regulation  
28 developed pursuant to this section, including any future changes  
29 to this section or to the standard required by this section, will be  
30 reflected accurately within the California Code of Regulations.

31 ~~(f) A public or private water agency shall not interpret this~~  
32 ~~section as changing the status of a residential care facility from a~~  
33 ~~residence entitled to residential water rates and as requiring that a~~  
34 ~~new meter or larger connection pipe be installed at a facility.~~

35 ~~(g)~~

36 (f) The fee imposed by a local fire marshal *or building*  
37 *department* for plan review or installation inspections of a fire  
38 sprinkler system required by this section shall not exceed ~~two~~  
39 ~~hundred dollars (\$200)~~ *the actual cost of the plan review or*  
40 *installation inspection for each existing facility undergoing a plan*

1 *review or inspection, including if the fire sprinkler system is the*  
2 *sole renovation.*

3 ~~(h) If the installation of a fire sprinkler system is the sole~~  
4 ~~renovation, the fee imposed for a local building inspection shall~~  
5 ~~not exceed two hundred dollars (\$200).~~

6 ~~(i)~~

7 (g) Local government units are encouraged to work together to  
8 minimize the number of preinstallation and postinstallation  
9 inspections and minimize fees imposed on a residential care facility  
10 *for the elderly pursuant to this section.*

11 SEC. 3. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.